

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 30, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:12 a.m. and immediately thereafter recessed to convene the Redevelopment Agency. The meeting was reconvened by Mayor Murphy at 10:17 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:02 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:08 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:26 a.m. to reconvene the Redevelopment Agency. The meeting was reconvened by Mayor Murphy at 11:32 a.m. with all Council Members present. Mayor Murphy adjourned the meeting at 11:50 a.m. into Closed Session at 2:00 p.m. in the 12th floor conference room to discuss potential and pending litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour/Lane (er)

FILE LOCATION: MINUTES

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, September 30, 2003**

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ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Nancy Hughes announced that she had traveled to San Antonio to the National Urban Forest Conference to receive the Global Relief Award for Engineering Green on behalf of the City of San Diego. Ms. Hughes presented the award to Mayor Murphy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. - 10:23 a.m.)

PUBLIC COMMENT-2:

Don Stillwell recited Psalm 23:4 and encouraged everyone to include prayer in their daily life.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. - 10:26 a.m.)

PUBLIC COMMENT-3: REFERRED TO CITY MANAGER AND CITY ATTORNEY

Cleo Maleone, Vernon Brinkley, and Robert Haynes expressed their concern regarding shops in the Fourth District that are selling drug paraphernalia.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. - 10:33 a.m.)

PUBLIC COMMENT-4:

Ron Boshun commented on redevelopment in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. - 10:35 a.m.)

PUBLIC COMMENT-5:

Noel Nuedeck encouraged Council Members to participate in disability day.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:37 a.m.)

PUBLIC COMMENT-6:

Neal Singer commented on Hillel of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:41 a.m.)

PUBLIC COMMENT-7:

Sky Anderson commented on drug abuse and morality.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:44 a.m.)

PUBLIC COMMENT-8:

Frank Eaves commented on San Diego's sister City, Yanti, China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:46 a.m.)

PUBLIC COMMENT-9:

Reverend Wayne Sanders commented on adopting a living wage ordinance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. - 10:49 a.m.)

PUBLIC COMMENT-10:

Steve Mc Williams provided a status on Shelter from the Storm's lawsuit against the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. - 10:53 a.m.)

PUBLIC COMMENT-11:

Greg Paquette thanked Council and provided an update on the progress of the ordinance to regulate all-electric, low-speed vehicles.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:54 a.m.)

PUBLIC COMMENT-12:

Marianne Brown, Juan Smith, and Debra Kelley presented the Platinum Lung Award to Mayor Murphy and awards to the San Diego Police Department and the City Attorney's office for enforcing smoke free environment laws.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. - 11:02 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Lewis announced that he attended a concert at Martin Luther King Park in the Fourth District. He thanked everyone involved in the "Concerts at the Park" endeavor.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:18 a.m. - 11:20 a.m.)

COUNCIL COMMENT-2:

Council Member Frye announced that ground was broken on the Tecolote Nature Center expansion. Ms Frye expressed her concern with the gang-related shooting in Linda Vista.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:20 a.m. - 11:23 a.m.)

COUNCIL COMMENT-3:

Council Member Madaffer announced the dedication of the new Prokids Golf Course in District 7.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:23 a.m. - 11:24 a.m.)

COUNCIL COMMENT-4:

Mayor Murphy announced that the candy shop building was successfully moved from the "Park at the Park" which was another step toward the completion of the ballpark.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:24 a.m. - 11:26 a.m.)

CITY MANAGER COMMENT:

City Manager Uberuaga updated Council on the success of the Waste Water Program in stopping sewer spills and cleaning sewer lines. Mr. Uberuaga also commented on the City's retirement system.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:08 a.m. - 11:13 a.m.)

CITY ATTORNEY COMMENT:

City Attorney Gwinn expressed his support for the Tobacco Free Coalition and enforcing laws that prevent businesses from selling drug paraphernalia. Mr. Gwinn also updated Council on cases that have successfully been prosecuted by the City Attorney's office.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:13 a.m. - 11:18 a.m.)

ITEM-330: 252 Corridor Between 38th Street to End of Park Boulevard Underground Utility District.

(Southcrest Community Plan Area. District-8).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-210) ADOPTED AS RESOLUTION R-298450

A Resolution establishing an Underground Utility District financed through SDG&E annual allocation funds (Case 8209).

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Underground City Utilities," and will underground the overhead utility facilities within the designated district.

The formation of this district will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service.

However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$520,000 will be finance through the use of SDG&E Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). Indirect cost such as street light replacement, tree replacement, street improvement, minor City forces, and other related work estimated at \$120,000 will be available in CIP-37-028.0, Fund 30101, Underground Surcharge Fund - CIP, contingent upon receipt of funds from San Diego Gas & Electric.

Loveland/Belock/PB/NB

FILE LOCATION: STRT-K-318 (38)

COUNCIL ACTION: (Time duration: 11:48 a.m. - 11:50 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Reward for Information Concerning Structure Fires Occurring on August 1, and September 19, 2003.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-370) ADOPTED AS RESOLUTION R-298451

Authorizing the City Auditor and Comptroller to reallocate \$25,000 from the General Fund Citywide Office Space Program (Fund No. 100, Dept. No. 601, Org. No. 2501, Account No. 4279, and Job Order No. 002501) to establish a reward

fund in the amount of \$25,000 for information leading to the arrest and conviction of responsible parties, who caused fires by arson in University City on August 1, 2003, and fires occurring in Torrey Highlands and Pacific Highlands Ranch areas on September 19, 2003.

SUPPORTING INFORMATION:

Arsonists are suspected to be responsible for setting fires that recently damaged five structures in the City of San Diego. The first was set on August 1, 2003, destroying the La Jolla Crossroads Project, a five story, 206-unit condominium complex under construction in University City with a loss estimated to be \$50 million dollars. Four additional fires were set on September 19, 2003, in the Torrey Highlands and Pacific Highlands Ranch areas of the City. Three homes under construction were destroyed and another home was damaged. According to arson investigators, initial damage estimate was set at \$500,000.

All tips or leads on these fires are being referred to the San Diego Field Office of the Federal Bureau of Investigation at (858) 565-1255.

It is recommended that the City establish a reward of \$25,000 for information leading to the arrest and conviction of individuals who may be responsible for the arson fires.

FISCAL IMPACT:

Funds for this reward will be made available from FY 2004 General Fund.

Kern/Ewell/LR

Aud. Cert. 2400347.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:33 a.m. - 11:48 a.m.)

MOTION BY PETERS TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-nay, Lewis-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 11:50 a.m. in honor of the memory of:

Florence Kern at the request of Mayor Murphy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:48 a.m. - 11:50 a.m.)